

In the Court of Appeals of the State of Alaska

Seth Albert Lookhart,
Appellant,

v.

State of Alaska,
Appellee.

Court of Appeals No. **A-13752**

Order

Motion to Withdraw as Attorney

Date of Order: **October 29, 2020**

Trial Court Case No. **3AN-17-02990CR**

The Appellant, Seth Lookhart, is currently represented by a privately retained attorney, Kevin T. Fitzgerald. Mr. Fitzgerald has filed a motion asking this Court to allow him to withdraw as counsel of record from this appeal. He explains that Mr. Lookhart currently cannot afford the services of private counsel, and will likely qualify for public representation.

Accordingly, IT IS ORDERED:

1. This case is remanded to the superior court for a hearing to determine if Mr. Lookhart is eligible for the assistance of counsel at public expense.
2. If the superior court finds that Mr. Lookhart is eligible for the assistance of counsel at public expense, the superior court shall make an appropriate appointment and shall direct the new attorney to promptly file an entry of appearance in this Court.
3. If the superior court concludes that Mr. Lookhart is not eligible for the appointment of counsel at public expense, the superior court shall notify this Court of this finding.
4. The superior court's report on this matter shall be provided to this Court on or before November 25, 2020. Upon notice to this Court, this deadline can be extended by the superior court for good cause.
5. In remanding this case, this Court acknowledges that under the current

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limitations imposed because of the COVID-19 public health crisis, this hearing should be done telephonically if possible. If the hearing cannot be done telephonically, then the superior court shall inform this Court of this circumstance as soon as possible.

6. Mr. Fitzgerald's motion to withdraw will be held in abeyance until the matter of Mr. Lookhart's representation is resolved.

Entered under the authority of Chief Judge Allard.

Clerk of the Appellate Courts



Carly Williams, Deputy Clerk

cc: Court of Appeals Judges
Judge Aarseth
Distribution:

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